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C-8.1001- SINGLE BENCH (2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION No. 5113 /2006

PETITIONER

: Gram Panchayat Lakhram,
Through : Sarpanch.

VERSUS

RESPONDENT

: Santosh Kumar Kaiwart.
Ex-Secretary (Panchayat Karmi)
Gram Panchyata Lakhram,
Tehsil and Distt. Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA

375108
Presented by Shri. Anand Kumar Gupte
dated 19/7/06

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No... 5113/2006
मामला क्रमांक/सन् 200

..... विरुद्ध

आदेश का दिनांक आदेश क्र.शंक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>19.09.2006</u> Shri Anand Gupta, counsel for the petitioner. Shri Anand Kumar Tivari, counsel for the respondent on Caveat Petition No. 767/2006. Heard.. This petition has been filed by Gram Panchayat challenging the validity of order dated 21.06.2006 passed in Panchayat revision No. 555/A/89/(15)/03-04 by the Director Panchayat, Raipur, CG. The brief facts are that on some complaint made against the respondent (Pachayat Karmi) before the S.D.O., the S.D.O. conducted some inquiry and thereafter, by order dated 21.06.2001, he suspended the respondent from the post of Panchayat Karmi. Being aggrieved by the aforesaid order, passed by the S.D.O., the respondent filed an appeal before the Additional Collector which was decided on 4.9.2002. The appeal was allowed and it was held by the Additional Collector that according to the Rules, the administrative control over the Panchayat Karmis are in the hands of Gram Panchayat and the S.D.O. was having no authority to suspend a Panchayat Karmi as in the present case. Against the aforesaid order passed by the Additional Collector, the then Sarpanch of Panchayat, Smt. Godawari Bai, filed the aforesaid revision petition before the Director Panchayat, which was dismissed by the impugned order dated 21.6.2006, against which the present writ petition has been filed by the Gram Panchayat. The Director Panchayat also took the similar view and held that	

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आदेश का दिनांक आदेश पत्रक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	under the provisions of Panchayat Raj Adhiniyam, the S.D.O. was having no power to suspend a Panchayat Karmi. It was held that according to the Panchayat Karmi Yojna 1993 and also according to the memo No. एम-2/12/22/पंचा० एक/ 95 dated 12.09.95 issued by State of Madhya Pradesh, the administrative control over a Panchayat Karmi is in the hands of Gran Panchayat. The revisional authority held that according to the aforesaid scheme and further according to the memo issued by the State of M.P., the order passed by the Collector on 4.9.2002 was fully in accordance with law and the same was not required to be interfered with. Learned counsel for the petitioner could not point out any other provisions contrary to the view taken by the revisional authority. I am not inclined to admit this petition for final hearing. The petition is dismissed at the motion stage itself. However, if so advised, the Gram Panchayat shall be at liberty to take appropriate steps against the respondent in accordance with law. The Caveat Petition No. 767/2006 also stands discharged and disposed of.	

Sd/-
Sunil Kumar Sinha
Judge

(पीछे देखिये)

vatti

29.07
2006
6/2/07